

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED
U.S. DISTRICT COURT
DISTRICT OF MASS.

Bay Mortgage Services, Inc.)
 and Peter J. Lucido,)
 Plaintiffs)
)
 v.)
)
 USBancorp,)
 Defendant)

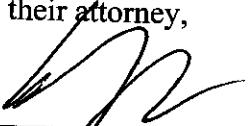
CIVIL CASE NO. 04-CV-12201 DPW

OCT 29 2004 12:58

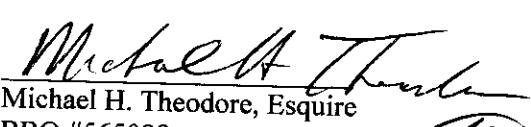
PLAINTIFF'S MOTION TO CONTINUE SCHEDULING CONFERENCE

NOW COMES the Plaintiff in the above captioned matter and hereby moves this Honorable Court to continue the date for the initial Scheduling Conference currently scheduled for November 29, 2004 at 2:30 pm. As grounds therefore, Plaintiff's counsel is currently scheduled to commence a several day jury trial in Plymouth Superior Court, case number 02-01034B, on November 29, 2004.

Respectfully Submitted
 THE PLAINTIFFS,
 Bay Mortgage Services, Inc.
 and Peter J. Lucido,
 By their attorney,


 Allan J. Costa, Esquire
 BBO #544015
 Trifletti & Costa, P.C.
 124 Long Pond Road
 Plymouth, MA 02360
 (508) 746-1464

Assented to:
 THE DEFENDANT,
 USBancorp
 By Its Attorney,


 Michael H. Theodore, Esquire
 BBO #565098
 Cohn & Dussi, LLC
 25 Burlington Mall Road, 6th Floor
 Burlington, MA 01803-4158
 (508) 494-0200

Dated: October 26, 2004